**UNOFFICIAL COMMUNICATION – DRAFT – FOR DISCUSSION PURPOSES ONLY
– DO NOT ENTER**

Docket No.: 00-VE17.22A

REMARKS

Claims 1-27 are pending. Claims 1, 12, 14, 19, and 27 are independent claims. In the Office Action, claims 1-3, 7, 9, 11-12, 14, and 18 were rejected under 35 U.S.C. § 102(e) as allegedly anticipated by U.S. 5,943,648 ("Tel"). Claims 1, 12, and 14 were further rejected as allegedly anticipated by U.S. 5,924,068 ("Richard"). Claims 19-20, 22-23, and 25 were rejected under 35 U.S.C. 103(a) as allegedly unpatentable over U.S. 5,835,087 ("Herz") in view of Tel. Claims 24 and 21 were rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over Herz in view of Tel and further in view of U.S. 6,115,384 ("Parzych"). Claims 26 and 27 were rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over Tel in view of U.S. 5,915,237 ("Boss"). Claims 4, 8, 10, 13, and 15 were rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over Tel in view of Herz.. Claims 5-6 and 16-17 were rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over Tel in view of Herz and further in view of Parzych.

Claims 1 and 12, 14, and 27 are amended herein. The present amendments are intended solely to clarify, and not to alter, the scope of the claims.

I.   **Section 102 Rejections Under Tel**
      [Insert]

II.   **Section 102 Rejections Under Richard**

The Examiner contends that Richard anticipates claims 1, 12, and 14. Claims 1 and 12 require a server that, among other things, is programmed to execute instructions for "performing a significant portion of a text to speech process to convert the textual information of at least one of the messages to speech synthesizer instructions." Claim 14 requires a terminal device that includes "a data interface for receiving data from a communication network." Accordingly, claims 1, 12, and 14 further require "transmitting the speech synthesizer instructions over the data communication network" (claim 1), "transmitting sequences of the speech synthesizer instructions, representing the messages, over the data communication network" (claim 12), and "a programmable central processing unit for processing the received data to capture speech synthesizer instructions contained in the received data" (claim 14). However, Richard clearly discloses transmitting a text file, rather than speech synthesizer instructions, over a data communication network, and therefore cannot anticipate Applicants' claims.

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Richard discloses a text marker 110 that inserts markings into news articles so that the articles may be read by a news reader 100. (Richard, col. 2, lines 54-61.) The text files so marked are transmitted through a transmission medium to a receiver 130 included in the news reader 100. (Richard, col. 5, lines 1-4.) The news reader 100 also includes a text to speech converter 170 that accepts the text file as input and provides speech as output. (Richard, Figs. 1, 18.) The text input for the text to speech converter 170 (*see* Richard, Fig. 18) clearly consists not of speech synthesizer instructions but rather of textual tags, or markers. (*E.g.,* Richard, col. 3, lines 57-65.) Applicants' speech transmitted speech synthesizer instructions "provide[] more information than pure text, but less information than digitized and compressed speech." (Specification, page 23, lines 2-4.) Thus, Richard cannot possibly read on any claim that requires speech synthesizer instructions to be transmitted over a data communication network. Indeed, Richard teaches against Applicants' claimed invention because Richard teaches transmitting only the text to be spoken, and generating speech syntheziser instructions based on the transmitted text.

III. <u>Section 102 Rejections Under Herz</u>

[insert]

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